

REMARKS

Claims 1-24 are pending in the above-identified application. Claims 1-24 were rejected. With this Response, no claims were amended, added or cancelled. Accordingly, claims 1-24 are at issue in the above-identified application.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bunnell* (U.S. Patent No. 6,119,122) in view of *Morgenstern* (U.S. Patent No. 5,970,490) and further in view of *Microsoft Computer Dictionary 5th edition*. Applicants respectfully traverse the rejection to all pending claims.

Applicants respectfully submit that the cited reference *Microsoft Computer Dictionary 5th edition* relied upon in the Office Action dated January 15, 2004 does not meet the requirements of a reference under 35 U.S.C. § 103(a) at least because the publication date of the cited publication is not before the filing date of the present patent application. The publication date of the *Microsoft Computer Dictionary 5th edition* reference is May 1, 2002. The present patent application has a filing date of December 22, 2000, prior to the publication of *Microsoft Computer Dictionary 5th edition*. As a result, *Microsoft Computer Dictionary 5th edition* does not satisfy the statutory requirement of “a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,” as required by 35 U.S.C. § 102(a), or “a printed publication in this or a foreign country . . . more than one year prior to the date of the application for patent in the United States,” as required by 35 U.S.C. § 102(b). Accordingly, Applicants respectfully submit that the rejection of the pending claims should be withdrawn.


Applicants also respectfully request the withdrawal of the finality of the Final Office Action. Applicants submit that the finality of the Final Office Action is improper in view of the newly cited reference *Microsoft Computer Dictionary 5th edition*. M.P.E.P § 706.07(b) states "a second or any subsequent action on the merits in any application . . . should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed." For example, the amended claim 1 includes limitations reasonably expected to be claimed at least because it includes limitations of previous dependent claim 4. In light of the new grounds for rejection and newly cited improper publication, Applicants respectfully request the finality of the Office Action be withdrawn.

II. Conclusion

In view of the foregoing comments and reasons stated previously in the Amendment dated December 8, 2003, Applicants respectfully submit that the application is in condition for allowance and respectfully request the timely allowance of the pending claims.

Respectfully submitted,

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